UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/30/09*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16,19,20 and 25-35* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-16,19,20 and 25-35* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *2/19/09*.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.1 14, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.1 14. Applicant's submission filed on 1/30/09 has been entered.

- Claims 1-16, 19-20, 25-35 are presented for further examination.

Response to Arguments

Applicant's arguments with respect to claims 1-16, 19-20, 25-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16, 19-20, 25-35are rejected under 35 U.S.C. 101 because

Claim 1 is rejected because according to par 0013 and 0014 of the PGPub of the instant application that the method is embodied in computer software. Therefore, the process/method did not tied to another statutory class or transform underlying subject matter to a different state

or thing, the method/process is not a patent eligible process under 101 and is non-statutory

subject matter.

Claim 8 is rejected because according to par 0102 of the PGPub of instant application

that applicant intended to claim that a method is to be carried out on a medium that is an Internet,

therefore, a computer program having code recorded on a medium such as an internet is not

tangible since such computer transport medium does not fall into the categories of "process",

"machine", "manufacture" and composition of matter" and is non-statutory subject matter.

Claim 15 is rejected because according to par 0039 of the PGPub of the instant

application that an local agent is a software module. Therefore, "an apparatus" such as "a local

agent' that comprises only software framework is considered to be a program per se, which is not

one of the categories of statutory subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claim 8-14 are recites the limitation "computer readable storage medium" in Claims 8-

14. There is insufficient antecedent basis for this limitation in the claim.

Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-16, 19-20, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hile et al hereinafter Hile (US 2002/0023140).

1.   Referring to Claim 15, Hile discloses a local agent comprising: a task processor polling a

server for a task request, the task request identifying a file in a local computer associated with the

local agent (refer to par 0021, 0027), the task request generated by a remote client computer, the

task request requesting a file residing on a local computer (82, Fig 4);

        a schedule timer communicatively coupled to the task processor for controlling a task

processor polling interval (periodically, contains timers, refer to par 0027)

        one or more protocol stacks for communicating over a network with the server (refer to

par 0015).

2.   Referring to Claim 16, Hile discloses the local agent of claim 15, Hile further discloses

wherein the one or more protocol stacks includes a transmission control protocol/internet

protocol stack (refer to par 0015).

3.   Referring to Claim 19, Hile discloses the local agent of claim 15, Hile further discloses

configured to initiate a request to a message application programming interface database (refer to

par 0015, 0016).

4.   Referring to Claim 20, Hile discloses the local agent of claim 15, Hile further discloses

configured to receive a file from a message application programming interface database (refer to

par 0027).

5.   Referring to Claim 33, Hile disclosed the local agent of claim 15, Hile further disclosing

that wherein the schedule timer resides in and is controlled by the local agent (refer to par 0027);

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-14, 31-32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hile et al hereinafter Hile (US 20020023140) in view of Meadway et al hereinafter

Meadway (US 6,675,205) in further view of Poppink et al hereinafter Poppkink (US 7,305,381).

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6.   Referring to Claim 1, Hile discloses a computer implemented method comprising:

        polling a server for a task request, the task request generated by a remote client computer

(refer to par 0014), the task request requesting a file residing on a local computer (82, Fig 4);

        receiving the task request from the server, the task request identifying the file from the

local computer associated with a local agent (based on the identifier of the requested, refer to

0021, upload the data file, refer to par 0021 and 0027);

responsive to the task request, causing the file to be downloaded (refer to par 0027);

waiting for a schedule timer to expire (periodically, contains timers, refer to par 0027);

repeating at least the above act of polling a server for a task request (refer to par 0027).

Although Hile disclosed the invention substantially as claimed, Hile did not explicitly

disclosing that "responsive to the task request, causing the file to be uploaded to the server."

Meadway, in analogous art, disclosing that "responsive to the task request, causing the

file to be uploaded to the server (refer to Col 1, Lines 63-65)"

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Hile and Meadway because Meadway's teaching of "responsive to the task

request, causing the file to be uploaded to the server" would improve Hile's invention in order to

expertise the capability to present and retrieve relevant information asynchronously as well as

synchronously and to avoid the limitations of only able to retrieve the data when all relevant

nodes are connected in network (Poppkink, Col 3, Lines 40-65)

7.   Referring to Claim 8, Hile discloses a computer readable storage medium including

sequences of instructions for causing one or more processors to perform acts for remote file

access for a local agent module comprising:

polling a server for a task request, the task request generated by a remote client computer,

the task request requesting a file residing on a local computer (82, Fig 4);

receiving the task request from the server, the task request identifying the file from the

local computer associated with a local agent (based on the identifier of the requested, refer to

0021, upload the data file, refer to par 0021 and 0027);

responsive to the task request, causing the file to be downloaded (refer to par 0027);

waiting for a schedule timer to expire (periodically, contains timers, refer to par 0027);

repeating at least the above act of polling a server for a task request (refer to par 0027).

Although Hile disclosed the invention substantially as claimed, Hile did not explicitly

disclosing that "responsive to the task request, causing the file to be uploaded to the server."

Meadway, in analogous art, disclosing that "responsive to the task request, causing the

file to be uploaded to the server (refer to Col 1, Lines 63-65)"

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Hile and Meadway because Meadway's teaching of "responsive to the task

request, causing the file to be uploaded to the server" would improve Hile's invention in order to

expertise the capability to present and retrieve relevant information asynchronously as well as

synchronously and to avoid the limitations of only able to retrieve the data when all relevant

nodes are connected in network (Poppkink, Col 3, Lines 40-65).

8.   Referring to Claims 2 and 9, Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8. Hile

further disclosing:

setting up local agent preferences (local agent is configured software, par 0016);

setting up remote client preferences (remote client is configured, refer to par 0016);

initiating the act of polling, based on the local agent preferences (configured to

periodically poll the server, par 0027);

and initiating an act of uploading based on the remote client preferences (client can be set to automatically causing the agent to poll, par 0027).

9.   Referring to Claims 4, 5, 11, and 12, Hile, Meadway and Poppkink disclosed computer implemented method of claims 1 and a computer readable storage medium of claim 8.

Hile discloses that initiating a request to the local computer file system for the file (refer to par 0014);

Although Hile disclosed the invention substantially, Hile did not explicitly disclosing that "instructing the local computer file system to upload the file to the server; receiving the file from the local computer file system; receiving an indication that the file was uploaded to the server."

Meadway, in analogous art, disclosing that "instructing the local computer file system to upload the file to the server (refer to Col 1, Lines 63-65); receiving the file from the local computer file system (refer to Col 1, Lines 63-65); receiving an indication that the file was uploaded to the server (refer to Col 11, Lines 65-67 and Col 12, Lines 1-10)."

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hile and Meadway because Meadway's teaching of " initiating a request to a the local computer file system for the file; instructing the local computer file system to upload the file to the server; receiving the file from the local computer file system; receiving an indication that the file was uploaded to the server." would improve Hile's invention in order to expertise the capability to present and retrieve relevant information asynchronously as well as synchronously and to avoid the limitations of only able to retrieve the data when all relevant nodes are connected in network (Poppkink, Col 3, Lines 40-65).

10.   Referring to Claims 3 and 10, Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8.

        Hile further discloses act of polling occurs over a transmission control protocol/internet

protocol stack, through functions specified in a simple object access protocol interpreter (refer to

par 0015)."

11.   Referring to Claims 6, and 13, Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8.

        Hile further disclosing discloses initiating a request to an interface for the file from a

message access protocol interface database (refer to par 0026 and 0027); and and receiving the

file from the database (refer to par 0027).

12.   Referring to Claims 7 and 14, Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8.

        Although Hile disclosed the invention substantially as claimed, Hile did not explicitly

disclosing that "wherein the causing the file to be uploaded includes instructing the file to be sent

to the server from the message access protocol database."

        Meadway, in analogous art, disclosing that " wherein the causing the file to be uploaded

includes instructing the file to be sent to the server from the message access protocol database

(refer to Col 1, Lines 63-65 and Col 11, Lines 65-67 and Col 12, Lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine Hile and Meadway because Meadway's teaching of "wherein the causing

the file to be uploaded includes instructing the file to be sent to the server from the message

access protocol database." would improve Hile's invention in order to expertise the capability to

present and retrieve relevant information asynchronously as well as synchronously and to avoid

the limitations of only able to retrieve the data when all relevant nodes are connected in network

(Poppkink, Col 3, Lines 40-65).

13.   Referring to Claim 31 and 32. Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8. Hile

further disclosing wherein the timer resides in and is controlled by the local agent module (refer

to par 0027);

14.   Referring to Claim 34 and 35. Hile, Meadway and Poppkink disclosed computer

implemented method of claims 1 and a computer readable storage medium of claim 8. Hile

further disclosing wherein the one more protocol stacks includes a simple object access protocol

interpreter (refer to par 0014 and 0015);

Conclusion

Examiner's Notes: Examiner has cited particular columns and line numbers in the

references applied to the claims above for the convenience of the applicant. Although the

specified citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It is

respectfully requested from the applicant in preparing responses, to fully consider the references

in entirety as potentially teaching all or part of the claimed invention, as well as the context of

the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the

claimed invention, Applicant is respectfully requested to indicate the portion(s) of the

specification which dictate(s) the structure relied on for proper interpretation and also to verify

and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

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about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

/Karen C Tang/

Examiner, Art Unit 2451